

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

COLUMBIA PICTURES
INDUSTRIES, INC., et al.,

Plaintiffs-Appellees,

v.

GARY FUNG and ISOHUNT WEB
TECHNOLOGIES, INC.,

Defendant-Appellant.

Case No. 10-55946

**DECLARATION OF ANDREW H. SCHAPIRO IN SUPPORT OF
MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE*
GOOGLE INC. IN SUPPORT OF AFFIRMANCE**

I, ANDREW H. SCHAPIRO, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the States of New York and Illinois and a member of the bar of this Court. I am a Partner at Mayer Brown LLP, counsel to proposed *amicus curiae* Google Inc. in this case, and submit this declaration in support of the motion of this nonparty for leave to file the accompanying proposed brief as *amicus curiae* in support of affirmance.

2. Appellants Gary Fung and Isohunt Web Technologies, Inc., through counsel, have consented to the filing of the proposed *amicus curiae* brief.

3. On February 7, 2011, I requested consent from the appellees to the filing of the proposed *amicus curiae* brief by contacting their counsel Paul M. Smith at Jenner & Block LLP. Appellees do not consent to Google filing the proposed *amicus curiae* brief.

4. For the reasons set forth in its accompanying motion for leave to file and in the proposed Brief of *Amicus Curiae* Google Inc., in Support of Affirmance, the proposed *amicus curiae* respectfully requests that its motion for leave to file its proposed *amicus curiae* brief in support of affirmance be granted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on February 8, 2011 in New York, New York.

s/ Andrew H. Schapiro
Andrew H. Schapiro

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on February 8, 2011.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Jared Robinson Smith
Rothken Law Firm
Suite 280
3 Hamilton Landing
Novato, CA 94949

s/ Deborah Grubbs
Deborah Grubbs